

2001 DRAFTING REQUEST**Senate Amendment (SA-SB55)**

Received: 06/07/2001

Received By: fasttn

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Dyck

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Transportation - highways

Extra Copies: TNF, PJH

Submit via email: NO

Requester's email:

Pre Topic:

LFB:.....Dyck -

Topic:

Specific information sign in Kenosha County (Motion #1531)

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	agary 06/07/2001	jdyer 06/07/2001	kfollet 06/07/2001	_____	lrb_docadmin 06/07/2001		
/2	agary 06/08/2001	jdyer 06/08/2001	rschluet 06/08/2001	_____	lrb_docadmin 06/08/2001		

06/08/2001 05:24:04 PM

Page 2

FE Sent For:

<END>

06/07/2001 06:02:37 PM

Page 1

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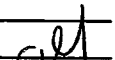
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/1	agary 06/07/2001	jdyer 06/07/2001	kfollet 06/07/2001		lrb_docadmin 06/07/2001		

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<END>

06/07/2001 09:58:31 AM

Page 1

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/1	agary	1 6/7 jla	kj 6/7	kj/self 6/7			

FE Sent For:

<END>

TRANSPORTATION

Specific Information Sign in Kenosha County

Motion:

Move to require DOT to erect business signs for Tenuta's Delicatessen and Liquors in the City of Kenosha, upon the receipt of a completed application from this business, on specific information signs at the 52nd Street exit on I-94 in Kenosha County, notwithstanding the current law restrictions for such signs with respect to business requirements for food establishments and distance of the business from the freeway.

Note:

Specific information signs are the blue signs erected on the highway right-of-way indicating the presence of businesses offering gas, food, lodging or camping. In certain locations, qualifying businesses may have a business sign erected on a specific information sign upon the payment of an administrative fee of \$40 for each sign and the payment of a \$40 renewal fee for each sign. Businesses must maintain certain hours of operation and must generally be located within three miles of the highway.

This motion would require DOT to erect business signs for a particular business on I-94 in Kenosha County without respect to whether the business meets the eligibility requirements.



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb0672/1

ARG:.....

(Soon) turned in 6/7 2:15 p-

LFB:.....Dyck - Specific information sign in Kenosha County (Motion #1531)

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 2001 SENATE BILL 55 AND 2001 ASSEMBLY BILL 144

J-Note

1 At the locations indicated, amend the bill as follows:

2 1. Page 1771, line 8: after that line insert:

3 ^b(6) BUSINESS SIGNS IN KENOSHA COUNTY. ✓ Notwithstanding the eligibility
4 criteria established under section 86.195 ✓ of the statutes, upon application and
5 payment of fees ordinarily required for the mounting of business signs, the
6 department of transportation ✓ shall mount ²~~two~~ business signs meeting the
7 specifications under section 86.195 of the statutes, and rules promulgated under that
8 section, ✓ for Tenuta's Delicatessen and Liquors, located in the city of Kenosha in
9 Kenosha County. ✓ The business signs shall be mounted on the specific information
10 signs on I 94 ✓ approaching the intersection of I 94 and ✓ 52nd Street in Kenosha
11 County. ✓

12

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0672/1dn

ARG.....

JLD

ATTN: Jon Dyck

The attached draft assumes that the signs to be placed are business signs, as defined in s. 86.195 (1) (a), stats., and that there are existing specific information signs on which these business signs are to be mounted. The draft also assumes that I 94 and 52nd Street meet at an intersection, rather than an interchange. Please advise if any of these assumptions are incorrect.

The attached draft exempts the referenced business signs from state statutory restrictions established in s. 86.195, stats. The federal Highway Beautification Act also limits the placement of signs visible from federal-aid highways, and state law cannot exempt the referenced business signs from federal restrictions without jeopardizing federal highway aid. A review of these federal restrictions in 23 CFR sections 750.101 to 750.110, based upon the facts known, does not reveal any clear violation of federal law that would result from the mounting of these business signs. However, many of these federal restrictions relate to the specific manner in which signs are placed, and it is possible that these signs could be found to violate the federal Highway Beautification Act.

It is possible that a Wisconsin court would find that this proposal is a "private or local bill" which, under article IV, section 18, of the Wisconsin Constitution, must be enacted as a single-subject legislation. If so, those portions cannot validly be enacted as part of the budget, which encompasses more than one subject.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0672/1dn
ARG:jld:kjf

June 7, 2001

ATTN: Jon Dyck

The attached draft assumes that the signs to be placed are business signs, as defined in s. 86.195 (1) (a), stats., and that there are existing specific information signs on which these business signs are to be mounted. The draft also assumes that I 94 and 52nd Street meet at an intersection, rather than an interchange. Please advise if any of these assumptions are incorrect.

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Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
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LRB b0672

6/8/01 Telephone conference with Jon Dyck at LFB. Take out "2" in line 6. There could be as many as four signs, but not sure. Just leave as "mount business signs". In line 10, replace term "intersection" with "interchange".

ARG



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb0672/4 Z
ARG:jld:kjf

RMK

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Seon turned in
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2 1. Page 1771, line 8: after that line insert:

3 “(6b) BUSINESS SIGNS IN KENOSHA COUNTY. Notwithstanding the eligibility
4 criteria established under section 86.195 of the statutes, upon application and
5 payment of fees ordinarily required for the mounting of business signs, the
6 department of transportation shall mount ~~the~~ [✓] business signs meeting the
7 specifications under section 86.195 of the statutes, and rules promulgated under that
8 section, for Tenuta’s Delicatessen and Liquors, located in the city of Kenosha in
9 Kenosha County. The business signs shall be mounted on the specific information
10 signs on I 94 approaching the ^{interchange at} ~~intersection of~~ I 94 and 52nd Street in Kenosha
11 County.”

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(END)

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FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

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(END)